



Seyfarth Shaw LLP

620 Eighth Avenue
New York, New York 10018

T (212) 218-5500

F (212) 218-5526

jegan@seyfarth.com

T (212) 218-5291

www.seyfarth.com

July 13, 2023

VIA ECF

Hon. Valerie Figueredo
United States Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1660
New York, New York 10007

Re: Cullins v. 156 Fifth Avenue Corp. et al.,
Civil Action No.: 1:22-cv-10288-ALC-VF

Dear Judge Figueredo:

This firm represents Defendants Nike Retail Services, Inc. and 156 Fifth Avenue Corp. (collectively, "Defendants") in the above-referenced action. We write, jointly with Plaintiff Datwan Cullins, to provide a status report, including as to the outcome of private mediation, pursuant to the Court's May 30, 2023 Order (ECF No. 31).

On July 10, 2023, the parties participated in a private mediation with Mediator Amanda Fugazy. The mediation session did not result in a settlement, and no further sessions have been scheduled.

On July 13, 2023, Defendants filed correspondence addressed to Judge Carter requesting a pre-motion conference in connection with their anticipated Motion for Judgment on the Pleadings under Fed. R. Civ. P. 12(c). The basis for Defendants' motion is that, based on the permanent closure of the Nike store at issue on or about April 30, 2023, the Court is without subject matter jurisdiction over the action.

Additionally, on July 13, 2023, the parties filed their Report of Rule 26(f) Conference and Proposed Case Management Plan, as per the Initial Case Management Conference Order (ECF No. 29), in advance of the Rule 16 conference scheduled for July 20, 2023 at 10:00 a.m.



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We thank the Court for its time and attention to this matter.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ John W. Egan

John W. Egan

cc: All counsel of record (via ECF)